

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
)	
Nadia GARDEL et al.)	Group Art Unit: 1615
)	
Application No.: 10/784,909)	Examiner: K. George
)	
Filed: February 24, 2004)	Confirmation No.: 6147
)	
For: WATER-IN-OIL EMULSION)	
FOUNDATION COMPRISING A)	
POLYOL)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

In reply to the Notice of Non-Compliant Amendment mailed October 15, 2007 (hereafter, "the Notice"), the time period for response to which extends to November 15, 2007, Applicants submit this paper.

According to the Office, the "amendment document filed 02 August 2007 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. 1.121 or 1.4." The Notice, page 1. In particular, the Office points out that a comma appears to have been added to claim 185, but that this claim was not provided with the proper status identifier.

As an initial matter, Applicants note that the paper they filed August 2, 2007, is a Response to Restriction Requirement that did not include any amendments. Thus,

Applicants presume that the Office's objection relates to the Preliminary Amendment filed May 23, 2005, not the August 2, 2007 Response to Restriction Requirement.

Thus, in response to the present Notice, Applicants have reviewed the Preliminary Amendment filed May 23, 2005. In this Preliminary Amendment, claims 1-79 were cancelled, and new claims 80-186 were added, each with the proper status identifier, i.e., "(New)." See Preliminary Amendment at pages 3-23.

The present Notice mentions an underlined comma that is present in claim 185 of the claim listing (presumably the listing submitted with the May 23, 2005, Preliminary Amendment). Applicants assert that this underlining was a typographical error and that the status identifier of this claim is not incorrect, since indeed the claim is new and was identified as such.

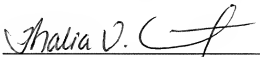
According to the Notice, correction may be made by submitting a corrected section of the non-compliant amendment. See Notice, page 1. Accordingly, Applicants submit the attached claim listing, which presents the listing of claims included with the May 23, 2005, Preliminary Amendment, with claim 185 properly presented in clean (i.e., unmarked) form, with the typographical error removed. In view of this newly submitted claim listing, Applicants submit that the Notice of Non-Compliant Amendment is moot, and should be withdrawn.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 6, 2007

By: 
Thalia V. Warnement
Reg. No. 39,064

Attachment: Unmarked claim listing from May 23, 2005 Preliminary Amendment